

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**STACEY SEARS, Individually and for
Others Similarly Situated,**

Case No. 1:23-CV-03544

v.

WELLNOW URGENT CARE, P.C.

**PLAINTIFF STACEY SEARS'S REQUEST FOR LEAVE TO FILE REPLY BRIEF IN
SUPPORT OF MOTION TO COMPEL DISCOVERY**

Plaintiff Stacey Sears respectfully requests the Court grant her leave to file a reply brief and supplement the record in support of her Motion to Compel Discovery (Dkt. 82) to address several misleading statements and averments put forth in WellNow's responsive papers.

Plaintiff seeks leave to submit these arguments and papers for the Court's consideration in advance of the hearing currently set for July 10, 2024 at 9:00 a.m. CST. Having this reply brief and additional materials on the record, which are being offered to rebut the response put forth by WellNow, will be important to dispel the unsupported/misleading statements made by WellNow and its counsel in response to Plaintiff's Motion and to make clear WellNow has not fulfilled its discovery responsibilities, especially if the Court takes the matter under submission or advisement.

WellNow served supplemental materials the day before the hearing (thus proving the necessity of Plaintiff filing her Motion to Compel Discovery and why Rule 37 sanctions are necessary), but only produced 11 spreadsheet files (despite there being 15 active Plaintiffs) and 26 PDF files, many of which are the same spreadsheet files and merely read "document produced natively." Simply put, WellNow's supplemental production suffers from the same defects raised in Plaintiff's Motion to Compel and addressed in her proposed reply papers: WellNow is trying to pass off "summaries of other records" as if they are the original documents themselves, which is misleading and inappropriate.

Either way, given representations WellNow has made in related proceedings, it is important for the Court to consider Plaintiff's reply brief to ensure it makes a knowing and complete decision as to whether WellNow is unduly withholding relevant and discoverable evidence in this lawsuit and whether sanctions are warranted.

Plaintiff's proposed reply brief and supporting evidence are attached herein for the Court's review.

Dated: July 9, 2024

Respectfully submitted,

/s/ William M. Hogg
Michael A. Josephson
Andrew W. Dunlap
William M. Hogg
JOSEPHSON DUNLAP LLP
11 Greenway Plaza, Suite 3050
Houston, Texas 77046
713-352-1100 – Telephone
713-352-3300 – Fax
mjosephson@mybackwages.com
adunlap@mybackwages.com
whogg@mybackwages.com

Douglas M. Werman
Maureen A. Salas
WERMAN SALAS P.C.
77 W. Washington St., Suite 1402
Chicago, Illinois 60602
312-419-1008 – Telephone
dwerman@flsalaw.com
msalas@flsalaw.com

Richard J. (Rex) Burch
BRUCKNER BURCH PLLC
11 Greenway Plaza, Suite 3025
Houston, Texas 77046
713-877-8788 – Telephone
rburch@brucknerburch.com

William C. (Clif) Alexander
Austin W. Anderson
ANDERSON ALEXANDER PLLC
101 N. Shoreline Blvd., Suite 610

Corpus Christi, Texas 78401
361-452-1279 – Telephone
361-452-1284 – Fax
clif@a2xlaw.com
austin@a2xlaw.com

Counsel for Plaintiff, Class, and Collective Members

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via CM/ECF electronic filing on all known parties on July 9, 2024, which will effectuate service in accordance with the Federal Rules of Civil Procedure on all parties of record.

/s/ William M. Hogg
William M. Hogg